

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:10cv18**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ORDER**

**400 Roper Street, Morganton, North  
Carolina, being real property as  
described in a deed at Book 431,  
Page 468, of the Registry of Burke  
County, North Carolina, together  
with the residences, and all  
appurtenances, improvements, and  
attachments thereon,**

**Defendant.**

**THIS MATTER** is before the Court on the Government's request for a writ of entry, as set forth in the Verified Complaint for Forfeiture *In Rem*. [Doc. 1].

The Government initiated this civil forfeiture action with the filing of a Verified Complaint on January 15, 2010. In its prayer for relief, the Government requests that the Court issue a writ of entry authorizing the United States Marshals Service to enter the defendant real property for the

purpose of conducting an inspection, inventory, and appraisal. [Doc. 1 at 7].

In conjunction with the filing of the Verified Complaint, the Government submitted to the Court through Cyberclerk a proposed order entitled “Writ of Entry.” No separate motion seeking such writ was filed with the Verified Complaint, and no brief has been filed in support of the requested relief.

Parties must file motions in order to seek relief from the Court. See Fed. R. Civ. P. 7(b)(1). The reason for this rule is simple: a motion provides notice to the Court that the party is seeking relief which requires immediate attention from the Court. By failing to file a motion requesting specific relief, a party runs a real risk that its request will not be considered by the Court in a timely manner.

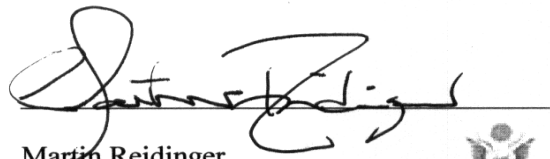
Additionally, as a general rule, motions must be supported by a brief setting forth the factual and legal bases for the relief sought. See L.Cv.R. 7.1(C). Without a supporting memorandum, the Court has no basis to determine if there is any merit to the party’s request for relief.

Having failed to file a motion requesting a writ of entry with a supporting memorandum as required by the Local Rules, the Government's request for a writ of entry must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Government's request for a writ of entry, as set forth in the Verified Complaint for Forfeiture *In Rem* [Doc. 1] is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: February 12, 2010

  
Martin Reidinger  
United States District Judge

